

1 NOT JUST THE DATA ON THE MAP, WE SEE THAT WE HAVE
2 VERY GOOD INFORMATION ABOUT WHERE THE PLUME IS AND
3 WHERE IT IS NOT.

4 SO THE SHAPE AND LOCATIONS OF THESE
5 ARE REALLY QUITE WELL DEFINED.

6 Q. FOR ALL THREE?

7 A. FOR ALL THREE, YES.

8 Q. MS. BERESKY, IS THE PLUME A MOVING?

9 A. YES, PLUME A IS MOVING.

10 Q. HOW DO YOU KNOW THAT?

11 A. BECAUSE GROUNDWATER IS MOVING IN A
12 SOUTHERLY DIRECTION HERE AND YOU CAN TELL FROM THE
13 ELONGATED NATURE OF THE PLUME.

14 Q. B2?

15 A. B2 IS DEFINITELY MOVING. WE HAVE A
16 COUPLE REASONS -- A COUPLE LINES OF REASONING ON
17 THIS.

18 IN THIS PARTICULAR CASE, WE
19 ACTUALLY HAVE TWO WELLS THAT ARE IN THE CENTER OF
20 THIS PLUME. WE ACTUALLY HAVE LNAPL OR FREE PRODUCT
21 IN THIS WELL WHERE THERE HADN'T BEEN LNAPL BEFORE.
22 SO THEY MEASURE IT, I THINK IT WAS A TIME OR TWO
23 PRIOR TO THIS WHEN THERE WAS NO LNAPL AND NOW
24 THERE'S A QUARTER INCH. THAT'S CLEAR EVIDENCE THAT
25 SOMETHING IS MOVING INTO THAT WELL THAT ALSO HELPS
26 CONFIRM GROUNDWATER FLOW DIRECTION.

27 Q. B1?

28 A. B1 THE SAME THING. AGAIN, IT'S IN

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A. 50 FEET.
Q. THE DWP?
A. I AM SORRY, DWP IS LIKE 160.
Q. AND IS IT PAVED?
A. NO. IT'S BARE DIRT.

Q. TRANSMISSION LINES IN IT?
A. RIGHT. FENCED.
Q. WHAT ABOUT UTILITY WAY?
A. UTILITY WAY IS THROUGH PARKING

LOTS, IT'S COVERED WITH ASPHALT.

Q. BASICALLY ALL THE WAY?

A. PRETTY MUCH, YEAH.

MR. BRIGHT: YOUR HONOR, THIS WOULD BE A
CONVENIENT BREAKING TIME.

THE COURT: ALL RIGHT, WELL, I AM SURE
THE JURY IS GOING TO BE DISAPPOINTED IN GOING HOME
A LITTLE EARLY, BUT LET'S ADJOURN UNTIL 9 O'CLOCK
TOMORROW MORNING. HAVE A GOOD EVENING.

(THE PROCEEDINGS IN THE ABOVE-ENTITLED
MATTER WERE ADJOURNED AND CONTINUED TO
WEDNESDAY, JUNE 13, 2001, AT 9 A.M..)

-000-



COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

WATSON LAND COMPANY,)

PLAINTIFF-RESPONDENT,)

VS.)

ATLANTIC RICHFIELD COMPANY,)
ETC., ET AL.,)

DEFENDANTS-APPELLANTS,)

SUPERIOR COURT
CASE NO. BC 150161

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HONORABLE WENDELL MORTIMER, JR., JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

JUNE 13, 2001

APPEARANCES:
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VOLUME 17 OF 37 VOLUMES
PAGES 2502 THROUGH 2708, INCLUSIVE

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OFFICIAL REPORTER

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT 307 HON. WENDELL MORTIMER, JR., JUDGE

WATSON LAND COMPANY, A CALIFORNIA CORPORATION,

PLAINTIFF,

VS.

ATLANTIC RICHFIELD COMPANY, ETC.,
ET AL.,

SUPERIOR COURT
CASE NO. BC 150161

DEFENDANTS,

REPORTER'S DAILY TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, JUNE 13, 2001

VOLUME 16

PAGES 2502 THROUGH 2708, INCLUSIVE

APPEARANCES:

(AS NOTED ON THE FOLLOWING PAGE.)

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1 WE ALSO KNOW OR WE HAVE LOOKED AT A
2 LOT OF DATA AND ALL THE AVAILABLE DATA FOR
3 PIPELINES IN THAT AREA AND THERE IS NO EVIDENCE
4 THAT THERE ARE OTHER PIPELINES ALONG THE UTILITY
5 WAY CORRIDOR THAT CARRIED THAT MATERIAL.

6 THE THIRD THING THAT WE CAN LOOK AT
7 IS, THAT IF YOU LOOK AT THE SHAPE OF THE PLUME, YOU
8 SEE WHERE IT'S ELONGATED IN A NORTH/SOUTH
9 DIRECTION, YOU CAN ALSO LOOK AT THE LOCATION OF THE
10 WELLS OR THE DATA POINTS THAT DESCRIBE THE PLUME
11 AND SEE THAT THE HOT SPOT IS ACTUALLY CENTERED
12 IMMEDIATELY UNDERNEATH THE UTILITY WAY PIPELINE
13 CORRIDOR.

14 WE ALSO KNOW THAT THIS PLUME IS
15 LEADED GASOLINE THAT HAS DIPE IN IT.

16 WE ALSO KNOW THAT THERE IS THE SAME
17 MATERIAL IS FOUND UNDERNEATH BOTH SHELL REFINERIES,
18 THE SHELL REFINERY TO THE NORTH AND THE ONE TO THE
19 SOUTH THAT ARE CONNECTED, INTERCONNECTED VIA THIS
20 PIPELINE CORRIDOR.

21 Q. MS. BERESKY, HOW DO YOU KNOW THAT
22 B2 PLUME ISN'T CAUSED BY CONTAMINATION COMING OVER
23 FROM THE ARCO REFINERY PROPERTY?

24 A. WELL, THERE ARE A NUMBER OF LINES
25 OF EVIDENCE THAT WE HAVE REALLY TO SUPPORT THAT AS
26 WELL.

27 FOR INSTANCE, THERE ARE POINTS IN
28 BETWEEN THE SHELL -- THE SHELL PLUME AND THE ARCO

1 FROM A SHELL PIPELINE THAT'S CARRIED INSIDE THE DWP
2 PIPELINE CORRIDOR.

3 Q. WHAT'S YOUR BASIS FOR THAT
4 CONCLUSION?

5 A. MY BASIS FOR THAT CONCLUSION IS
6 THAT, AGAIN, WE KNOW THAT SHELL CARRIED GASOLINE IN
7 THAT PIPELINE CORRIDOR, BASED ON INFORMATION THAT
8 THEY HAVE PROVIDED TO US.

9 WE ALSO KNOW THAT BASED ON ALL THE
10 INFORMATION THAT WE HAVE FOUND FOR PIPELINES IN
11 THAT AREA, THERE'S NO EVIDENCE THAT ANYONE ELSE HAS
12 CARRIED GASOLINE THROUGH THAT PIPELINE CORRIDOR.

13 WE ALSO CAN TELL FROM THE SHAPE OF
14 THE PLUME, AGAIN, IT'S SORT OF ELONGATED IN THE
15 NORTH/SOUTH DIRECTION, SORT OF CENTERED ON THE DWP
16 PIPELINE CORRIDOR AND, AGAIN, IT CAN'T REALLY BE
17 FROM ARCO BECAUSE IT WOULD HAVE TO GET THROUGH THE
18 B2 PLUME. THERE'S NO SMEARING, YOU DON'T SEE THOSE
19 SORTS OF EFFECTS THAT WOULD INDICATE THAT.

20 Q. HOW FAR IS THE B1 PLUME FROM THE
21 ARCO REFINERY PROPERTY?

22 A. OH, ANOTHER, PROBABLY, YOU KNOW,
23 QUARTER TO HALF A MILE, SOMEWHERE IN THAT RANGE.

24 Q. PROBABLY CLOSER TO A QUARTER?

25 A. YEAH, CLOSER TO A QUARTER.

26 Q. NOW, HOW DO YOU KNOW THAT EACH OF
27 THOSE PLUMES OR ANYONE OF THEM WASN'T CAUSED BY ONE
28 OF THE WATSON TENANTS?

1 A. WELL, AGAIN, I DID A VERY
2 COMPREHENSIVE SEARCH OF ALL THE INFORMATION THAT
3 WAS AVAILABLE FOR THE WATSON TENANTS. WE LOOKED AT
4 EVERYBODY THAT HAD UNDERGROUND STORAGE TANKS, WE
5 LOOKED AT ALL THE CHEMICAL USE AND STORAGE RECORDS
6 AND THERE JUST ISN'T ANY SOURCE THAT COULD HAVE
7 CREATED A PLUME OF THAT SIZE. EVEN IF YOU HAD A
8 10,000 GALLON TANK, WHICH IS TYPICAL FOR A COMPANY
9 THAT MIGHT RUN A TRUCKING BUSINESS OR SOMETHING
10 LIKE THAT, THAT IS AN ENORMOUS PLUME FOR AN
11 UNDERGROUND TANK LEAK AND IT'S VERY UNLIKELY TO
12 HAVE BEEN CAUSED BY THAT.

13 SO BASICALLY, NONE OF THE TENANT
14 SOURCES REALLY EXPLAIN THAT KIND OF A RELEASE.

15 IN ADDITION NOBODY USED LEADED
16 GASOLINE IN THOSE AREAS.

17 Q. DIESEL TANKS?

18 A. THERE WERE DIESEL TANKS, BUT AGAIN,
19 WE ARE NOT LOOKING AT DIESEL CONTAMINATION HERE.

20 MR. BRIGHT: THANK YOU, MS. BERESKY.

21 THE COURT: CROSS-EXAMINE.

22

23 CROSS-EXAMINATION

24 BY MR. LESLIE:

25 Q. GOOD MORNING, MS. BERESKY, HOW ARE
26 YOU?

27 A. I AM FINE, COUNSEL.

28 Q. I GUESS IT'S YOUR TURN NOW?

1 SOMETHING.

2 THE COURT: OKAY, WE WILL SEE YOU
3 TOMORROW.

4
5 (THE PROCEEDINGS IN THE ABOVE-ENTITLED
6 MATTER WERE ADJOURNED AND CONTINUED TO
7 THURSDAY, JUNE 14, 2001 AT 9 A.M.)

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APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HONORABLE WENDELL MORTIMER, JR., JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

JUNE 19, 2001

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OFFICIAL REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 307

HON. WENDELL MORTIMER, JR., JUDGE

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) SUPERIOR COURT
) CASE NO. BC 150161

REPORTER'S DAILY TRANSCRIPT OF PROCEEDINGS

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APPEARANCES:

(AS NOTED ON THE FOLLOWING PAGE.)

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1 WHAT IS HYDROSTATIC TESTING?

2 A. WHEN YOU HYDROSTATICALLY TEST, YOU GO OUT AND
3 PURGE WHATEVER THE SUBSTANCES THAT IS CHIPPING, WHETHER IT'S
4 CRUDE OIL OR GASOLINE OR WHATEVER, WITH WATER, FILL THE LINES
5 WITH WATER, AND THEN YOU ELEVATE THE PRESSURE IN THE LINE TO
6 SOME VALUE ABOVE WHAT THE OPERATING PRESSURE IS. THE PURPOSE
7 OF THAT IS TO PROPAGATE A FAILURE.

8 IF THERE'S A WEAK SPOT IN THE PIPE AND YOU
9 ELEVATE THE PRESSURE TO SOME MULTIPLE OF WHAT THE NORMAL
10 OPERATING PRESSURE IS, THEN IF THERE IS A DEFECT IN THE PIPE,
11 YOU WILL FIND IT WHILE THERE'S WATER IN THE LINE, RATHER THAN
12 JUST RUN UNTIL THE THING WOULD LEAK.

13 Q. OKAY. IS THERE ANOTHER PURPOSE TO HYDROSTATIC
14 TESTING OTHER THAN, I GUESS, WHAT'S BEEN CALLED IN THE COURT
15 A PIPELINE INTEGRITY TEST?

16 A. WELL, THERE ARE REGULATIONS THAT REQUIRE IT.
17 STARTING IN 1981, THE CALIFORNIA PIPELINE SAFETY ACT WAS
18 PASSED AND REQUIRES TESTING AT CERTAIN INTERVALS.

19 Q. OKAY. WE'LL COME BACK TO THAT HYDROTESTING
20 ISSUE IN JUST A MOMENT.

21 HAVE YOU EVER HEARD OF ANY LINES REFERRED TO AS
22 THE INTER-REFINERY PIPELINES?

23 A. YES.

24 Q. OKAY. WHAT ARE THOSE PIPELINES?

25 A. THOSE WERE THE LINES THAT CONNECTED OUR
26 WILMINGTON COMPLEX.

27 OUR WILMINGTON COMPLEX CONSISTED OF BASICALLY
28 TWO PLANTS APPROXIMATELY THREE AND A HALF MILES APART; ONE AT

1 WHAT WE CALLED OUR WILMINGTON SITE AND THE OTHER THE
2 DOMINGUEZ SITE. AND THESE LINES SERVED VARIOUS UNITS WITHIN
3 THOSE TWO UNITS WITHIN THOSE TWO PLANTS.

4 Q. OKAY. NOW, DURING THE FIVE YEARS THAT YOU WERE
5 WORKING AS A ROUSTABOUT -- WELL, ACTUALLY LET ME JUST -- HOW
6 LONG DID YOU WORK AS A ROUSTABOUT?

7 A. APPROXIMATELY FIVE YEARS.

8 Q. SOMEHOW THAT STUCK IN MY MIND.

9 DURING THE FIVE YEARS THAT YOU WERE WORKING AS
10 A ROUSTABOUT, DID YOU HAVE ANY RESPONSIBILITIES FOR THE AREA
11 REFINERY PIPELINES?

12 A. NO.

13 Q. WHAT LINES DID YOU HAVE RESPONSIBILITY FOR
14 DURING THOSE YEARS?

15 A. IT WAS BASICALLY ALL THE LINES EXCEPT THE
16 INTER-REFINERY LINES. THE INTER-REFINERY LINES WERE
17 MAINTAINED BY THE REFINERY AT THAT TIME.

18 Q. OKAY. NOW, WHEN DID YOU CEASE BECOMING A
19 ROUSTABOUT OR CEASED WORKING AS A ROUSTABOUT AND GET YOUR
20 NEXT JOB WITH SHELL?

21 A. WELL, AFTER ABOUT FIVE YEARS, I WAS PROMOTED TO
22 ENGINEERING ASSISTANT AND CAME IN OUR LOS ANGELES ENGINEERING
23 GROUP AT OUR LOS ANGELES OFFICE.

24 Q. BY THE WAY, DURING ALL OF YOUR WORK WITH SHELL,
25 DID YOU EVER WORK ON THE REFINERY SIDE OR WERE YOU ALWAYS IN
26 THE PIPELINE --

27 A. NO.

28 Q. -- BUSINESS?

1 PERCIPIENT WITNESS.

2 ALL RIGHT. ANYTHING ELSE?

3 MR. LESLIE: I'D JUST LIKE TO THANK YOUR HONOR FOR
4 ALLOWING ME TO GO TO MY LITTLE FIFTH GRADER'S CULMINATION.
5 SHE WAS VERY HAPPY LAST NIGHT WHEN I TOLD HER.

6 THE COURT: GOOD.

7 MR. LESLIE: AND I APPRECIATE COUNSEL'S COURTESY AS
8 WELL.

9 THE COURT: GOOD.

10 MR. BRIGHT: 10:30.

11 THE COURT: SEE YOU TOMORROW. 1030.

12

13 (AT 4:03 P.M. AN ADJOURNMENT WAS TAKEN

14 UNTIL WEDNESDAY, JUNE 20, 2001 AT 10:30 A.M.)

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